Preserve

G. R. S. IX-5]

Previous references.
LB 114-25-8, 17

1929

File No. 50-29

Serial Nos. 6, 9

(LB)

Later references.
LB 50-29(20, 21).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for August '30

SUBJECT.

Byelaws for management of Ferries in the Shimoga District.

Fl 9 To the Asst., D.B. Shimoga.
L 1174 By 5-8-30

Sanctions the ——

MB
30/8

G. R. S. 59.

GPE - 11301 - 20 12 -

GENERAL AND REVENUE SECRETARIAT.

1914.

(Agriculture)

File No. 22-14

Serial Nos. 23 & 24

Papers Filed.

Month January 1915

SUBJECT.

Permission to continue searching for a copy of the Deed Poll by the Secretary, Bungalow &c

PREVIOUS PAPERS.

LATER REFERENCES

Serial No.

6 Letter no C-146 Dy 30-4-30 Pres Dt Bd Shimoga forwarding Bye laws for the management of ferries in the dist, approved by the Dt Board.

1) Bye law no 3 applies to the ferries in the Dist under section 60 (1) (g) of the Dt Bds Regn, the Dt Bd has to manage only such ferries as are under its control. Ferries managed by govt & private persons cannot be managed by the Dt Bd. The Bye laws ~~The word~~ under regn requires modification in this respect. Provision is also necessary for the licenses for plying ferries under private management under section 57 (2). Ferries under the management of the Dt Bd managed by the Dt Bd directly or persons may be granted to private persons for doing the service, the person holding may pay the prescribed fees & a lumpsum to be paid by them to the Dt Bd. It is also necessary to incorporate the details of the fees to be levied & other details

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

Serial No.

(approved) in Section 5 7 (1) (h) of the D.W.B. Regn. A form of the agreement to be entered into with the permit holders for the proper management of the D.W.B. services has also to be appended to the Bye-laws (approved) the Bye-laws will be returned for being revised in the above additions etc.

KK
6-6-30

2) Bye Law no 1 The 2nd and 3rd sentences may be deleted as unnecessary.

3) Bye Law no 2 The definitions are unnecessary and may be omitted.

4) Bye Law no 3 The bye-laws should apply to all persons under the management of the Bd's. Withdrawal of persons from the operation of the bye laws is not necessary at the pleasure of the Person. The bye-law may be deleted

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

5352

General and Revenue Secretariat | LB File No. 57 | App. F. III—2] of 1929

Serial No.

5) The other bye laws go beyond the scope of Section 57 (1) (b) of the D.T. Bs' Regn. The Govt may be asked to limit the scope of the bye laws strictly to matters specified in the Regn. If copy of the bye laws submitted by the constituting D.T. Bd. & the letter of Govt issued on the matter may be sent to the Govt with the request that as far as possible the constituting bye laws may be adopted ~~as far as possible~~ with the modifications suggested by the Govt.

A

DS
10.6.30

File put up with the reference cited for the Distt. Bd's bye laws

5-936

6) Move put up

DS
12/6

(for RR)

X

Z X

7) LB 11-4-28-17 referred to above is put up. The file was sent recd with D 3938 & was received back from the Treasr on 3.7.30.

RR 5-7-30 AS 8/7

A yes - please hurry draft

VS
11.7.30

Note—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

5352

App. F. III—2].

General and Revenue Secretariat | File No. 50 of 1929

Serial No. 9

Draft Rule 6

Rec'd 12.7.30

Issue 15 15.7.30

GEN. D'R'S
15 AUG.
I. S. & Ghaut

Draft by B.D. Shrimpx.
Ind. X 1117-2 dt 5-8-30 Request
That the Bye Laws may be
framed as indicated

B
478
M

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

L.B. 50-29-6

Office of the President, District Board,
Shimoga District.
Shimoga, dated 28th April 1930.

No.C.146/L.B.27-28.
Enc: One draft Bye-law.
and 1 resolution.

From

G. Rudrappa, Esq., M.A., (Oxon) Bar-at-law.
President. District Board,
SHIMOGA.

To

R. Ranga Rao, Esq., B.A., B.L.,
General Secretary to the Government of
Mysore, BANGALORE.

LB 1142 5.

Sir,

With reference to your No. L. 4044, dated 13th January 1928, and in continuation of this office No. C. 146/L.B. 27-28, dated 22nd instant regarding the framing of Bye-laws for the management of Ferries in the District, I have the honour to submit herewith for information a copy of the Bye-laws approved by the District Board at their meeting held on 25th and 26th instants as recommended by the Bye-law Committee of the District Board.

I have the honour to be,

Sir,

Your most obedient servant,

For President,

District Boadd, Shimoga.

Proceedings of the Fourth Ordinary Meeting of the District Board, Shimoga, held on Friday the 25th April 1930, at 2 P.M., in the Town Hall at Shimoga and continued on Saturday the 26th April'30.

==========

xxx xxx xxx xxx

Subject No.102:- Proceedings of the meeting of the Bye-law Committee forwarding for approval Bye-laws framed for the management of Ferrie in the District.

Resolution:- The Bye-laws as framed by the Committee may be approved

xxx xxx xxx xxx

Sd/ G. Rudrappa,

President,
District Board, Shimoga.

" Extract "

President,
District Board, Shimoga.

BYE-LAWS FOR THE MANAGEMENT AND CONTROL OF FERRIES.

1. SHORT TITLE AND EXTENT:- This bye-law may be called "Bye-law for the management and control of ferries" in the District. It extends to the whole of Shimoga District except the area under the Municipalities. It shall come into force from 1st July 1930, or such other date as the Government may notify.

2.(a) DEFINITIONS:- Ferry means a place at which goods, animals or passengers are conveyed across a channel by means of vessels. "Public Ferry" means a ferry declared to be subject to the provisions of these Bye-laws.

(b) "Channel" includes any water way whether natural or artificial.

(c) "Vessel" includes any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner.

3. POWER TO APPLY THE BYELAWS TO ANY FERRY:- The President, District Board by notification in the Gazette, declare any ferry to be subject to the provisions of these Byelaws from a date to be named in such notification, and may in like manner cancel or modify any such notification.

4. LICENSING AND REGISTRATION OF VESSELS:- All vessels using a channel shall be either licensed or registered, as the President of the District Board may direct.

5. POWER TO FIX FEES AND RATES OF TOLL AND TO ESTABLISH TOLL STATIONS:- The President, District Board may with the sanction of Government, from time to time:- (a) Fix rates of fees payable for the licensing or registration of vessels.

(b) Establish stations at which tolls shall be levied on vessels passing along a channel or on passangers, vehicles, animals or goods landed therefrom and fix the rates of such tolls:

(c) Fix fees for the use of public landing places or sheds provided

for

for the accommadation of vessels using a channel or if goods or passengers carried or to be carried there on for demurrage on vessels or goods detained therein.

A notification of such tolls or fees under clauses (b) and (c) of this clause shall be exhibited to public view in English and in Kanada at the places where such tolls or fees are leviable.

6. POWER OF PERSON DULY AUTHORISED TO IMPOSE PUNISHMENT FORBREACH OF CONDITION OF LICENSE AND TO DEAL WITH ANY OBSTRUCTION IN CONTRAVENTION OF THE BYELAWS:- Any person duly empowered by the President, District Board in this behalf may:-

(i) Suspend or cancel the license or registration of any vessel in case of breach of any condition thereof, or in lieu of such suspension or cancellation or of prosecution recover from the person in charge of the vessel a penalty not exceeding five rupees for each such breach;

(ii) Remove from the channel any vessel which may be sunk or abandoned therein, and may recover any expense incurred in so doing by the sale of the vessel/ A vessel left for more than 3 days without a Competent person in charge shall be held to be abandoned;

(iii) In case of emergency remove any other obstruction, or contravance for fishing, or other thing which is an impediment to the channel, or in other cases serve notice upon the owner, if any to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall be recoverable from the owner. Provided always that in cases of interference with private, rights, reasonable compensation shall be payable;

(iv) Prohibit the construction of any contrivance for fishing or any other purpose in the channel or any erection therein.

(v) Stop any vessel using the channel in contravention of any of the provisions of the Byelaws, or any rule made, or any condition of license or registration prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or recovered under clause (I) of this section or until the offence, if any, has benn enquired into

or

or disposed of.

Powers under this section may be conferred wither by name or in virtue of an office.

7. POWER TO APPLY THE BYELAWS TO ANY FERRY AND DIFINE LIMITS OF FERRY:- The President, District Board may by notification in the Gazette, declare any ferry to be subject to the provisions of the Byelaws from a date to be named in such notification, and may define the limits of such ferry. The Government may, in like manner, cancel or modify any such notification.

8. UPON SUCH APPLICATION EXISTING RIGHTS OF FERRY TO CEASE:- From such date all previously existing rights of ferry within the limits defined in the notification shall cease, and determine, and it shall be unlawful for any person not duly authorised to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force.

9. POWER TO PROVIDE FOR MANAGEMENT OF FERRIES AND FIX FEES AND RATES OF TOLL:- The President, District Board, may provide for the management of public ferries or may authorise any person to convey goods, animals, or passengers across a channel by means of vessels at a public ferry. All vessels so used by such person shall be licensed, and the President, District Board may fix the fees payable for such license, and also the tolls leviable upon passengers, animals, vehicles and goods conveyed across such ferry. A notification of such tolls shall be exhibited to public view in Englihs and in Kanada on each side of the ferry.

10. POWER TO ASSIGN MANAGEMENT OF FERRY TO DISTRICT BOARD OR MUNICIPAL COUCIL:- All persons duly empowered under section 6 shall be deemed to be public servants within the meaning of the Indian Penal Code.

11. POWER TO APPOINT PERSONS TO COLLECT TOLLS OR FEES AND TO LEASE OUT COLLECTIONS THEREOF:- The President, District Board shall appoint persons

to

to collect tolls or fees payable under the Byelaws. The collection of such tolls or of fees other than license fees may be based out under such conditions as the President, District Board may from time to time, prescribe.

12. PROCEDURE IN CASE OF NON-PAYMENT OF TOLL etc.. ON DEMAND:- In case any tolls, fees other than license fees or penalties payable under the Byelaws are not paid when demanded by a person duly appointed or empowered to colledt or impose the same, such persons may sieze any vessels, goods, vehicles or animals in respect of which such toll, fee or penalty is payable, and any person empowered or the managing authority in this behalf mav sell the same by auction after 15 days public notice of the sale if such toll, fee, or penalty is still unpaid. After deduction of such toll, fee or penalty and of expenses of same the surplus proceeds, if any shall be ~~ax~~ paid to the person from whose possession the thing sold was taken.

13. WHAT PAYMENTS MAY BE RECOVERED AS ARREARS OF REVENUE:- All channel and ferry rents and expenses incurred under clause 6 may be recovered by the Deputy Commissioner of the District in like manner as if therewere arrears of land revenue.

14. FORM, ETC., OF LICENSES AND REGISTRATIONS:- All license granted and registration effected under the BYelaws shall be in such form, and shall contain or be subject to such conditions as the President, District Board mav from time to time prescribe.

15. POWER TO MAKE RULES:- The President, District Board, with the sanction of Government may make rules in respect of any channel or public ferry for all or any of the following purposes:-

(1) ~~Providing for the grant of licenses, for the inspection of licen~~

Declaring the powers to be exercised by any person employed under the Byelaws;

(ii) Providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition;

(iii) regulating the dimensions and free board of vessels using any channel or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of luggage to be carried therein;

(iv) regulating the passing of vessels, the lights to be exhibited by the vessels moving, the working and the use of landing places or sheds;

(v) the disposal of vessels or other things confiscated or seized under the Byelaws;

(vi) for the convenience of passengers; and generally for the purposes of the Byelaws.

16. PENALTY FOR BREACH OF RULE:- Any person who breaks any rule made under the Byelaws shall be punishable on conviction by a criminal Court with fine not exceeding fifty rupees in case of a single offence, and in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues, If the offence is such as to endanger human life, the punishment may extended to imprisonment of either description for one year or to fine of Rs 500/- or both.

17. PENALTY FOR USING A CHANNEL OR ESTABLISHING OR WORKING A FERRY IN CONTRAVENTION OF SECTION 4 or 8:- Any person using a channel or establishing or working a ferry in contravention of section 4 or 8 of the Byelaws shall be liable on conviction before a criminal court to fine not exceeding Rs 500/-.

18. PENALTY FOR EVASION OF TOLL OR FEE AND FOR UNAUTHORISED LEVY OR TOLL ETC.,:- Any person who refuses or evades payment of any toll or fee payable under the Byelaws or with-out due authority levies any toll or fee under the color of the Byelaws or being empowered to collect tolls or fees under the Byelaws, collects or receives any sum in excess of the lawful due, shall on conviction by a criminial court be punishable with imprisionment of either description not exceeding one month or with fine

not

not exceeding Rs 100/- or with both.

19. POWER OF COURT TO ORDER CONFISCATION:- On conviction had of any offence under these Byelaws the Court may order that ~~may~~ any vessel or other thing used in the commission of such offence may be confiscated

20. DELEGATION OF POWERS:- The President, District Board, with the sanction of Government may delegate all or any of his powers under clauses 4, 9,10,11,12 and 14 to any officer not below the rank of a Taluk Amildar or Deputy Amildar.

"Copy"

for President,
District Board, Shimoga.

Appendix F G—1

SUBJECT.....

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Section KB

File No. 50-29

Serial No. 9

No. L 1174

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 5/8/30

Signed by Mr V.S. Sastri

To

The Pres. D.C.B. Shimoga

Thro the D.C. Shimoga

Sir

With reference to your letter No. C. 146 KB 27-28 dt 30-4-30 forwarding a copy of the Bye laws approved by the Board for the management of Forests in the Dcty I am directed to observe that the Bye laws require modifications as noted below:—

List of enclosures.....

Copied by.....

Examined by.....

over

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet/draft form.*)

In this connection I am to forward herewith for your information

and to request that as far as possible the Bye-laws framed by the Municipality Dt. 3.6. may be adopted with the modifications suggested by Govt.

Thanks.

15.7.30

AS for Secretary

12/7/30

WD 2230—GPB—1,00,000—23-7-20

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat

Bangalore, Dated,.....1930.

No.

From

R. RANGA RAO, Esq., B.A., B.L.,
General Secretary to the Government of His Highness the Maharaja of Mysore.

To

H. Siddaiya, Esq., B.A., LL.B.,
President, District Board, Shimoga,
(THROUGH the Deputy Commissioner, Shimoga District).

Sir,

With reference to your letter No.C.146 L.B.27-28 dated the 30th April 1930, forwarding a copy of the Bye-laws approved by the Board for the management of ferries in the District, I am directed to observe that the Bye-laws require modifications as noted below:-

2. In Bye-law No.1, the 2nd and 3rd sentences are unnecesary and may be omitted.

3. The definitions given in Bye-law No.2 are not necessary and may be omitted.

4. The Bye-laws should be applicable to all the ferries under the management of the District Board and it is not necessary to withdraw any ferries from the operation of the Bye-laws at the pleasure of the President. The Bye-law No.3 proposed may therefore be deleted.

5. The other bye-laws go beyond the scope of Section 57 (1) (b) of the District Board's Regulation and may be suitably revised so as to limit their scope - strictly to matters specified in the Regulation.

In this connection, I am to forward herewith for your information a copy of the Bye-laws framed by the Chitaldrug District Board with a copy of this Office letter No.L.5529/L.B. 114-25-17 dated 23rd January 1930, suggesting certain modifications thereto and to request that as far as possible the Bye-laws framed by the Chitaldrug District Board may be adopted with the modifications suggested by Government.

I have the honour to be,
S i r,
Your most obedient servant.

For General Secretary to Government.

K.M.R.2.